

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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MIHAIL TUTUIANU,

Plaintiff,

-against-

UNITED STATES POSTAL SERVICE,

Defendant.
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TOWNES, U.S.D.J.

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.
★ SEP 9 2005 ★
TIME AM: _____
P.M. _____

**MEMORANDUM
& ORDER**

03 CV 2905 (SLT) (LB)

There are two motions presently before the Court. One by Plaintiff Mihail Tutuianu to reopen the case and to direct the Government to pay him \$138.87, and one by the Government to reopen the case for the sole purpose of entering judgment against it in the amount of \$56.00. Both motions are denied. Based upon the settlement reached on the record at a conference before Magistrate Judge Bloom on June 23, 2005, Plaintiff is entitled to \$63.25 from the Government if he signs the proposed Stipulation and Order of Dismissal with Prejudice. Plaintiff has until September 25, 2005 to sign the proposed stipulation and to collect the \$63.25 owed to him by the Government by virtue of the settlement agreement. If Plaintiff does not sign the proposed stipulation by that date, he will waive his right to receive the agreed upon amount from the Government and the matter will remain closed. The Court will entertain no further motions on this matter.

SO ORDERED.



SANDRA L. TOWNES
UNITED STATES DISTRICT JUDGE

Dated: Brooklyn, New York
September 2, 2005